

Hurt, Perfectly: Artist's Statement on the Documentary Film

Sam René Garcia: McNair Scholar

Dr. Peter Lutze: Mentor

Department of Communication, Mass Media, and Journalism



Abstract

“Hurt, Perfectly” is a documentary video providing an historical and feminist analysis of the attitudes, histories and laws regarding domestic violence in the state of Idaho. Through a series of interviews and imagery, the video explores domestic violence, presenting it as a responsibility of every community member and simultaneously revealing how every citizen in the community is a victim of domestic violence. The video explores the case of Angie Leon in the context of two Idaho counties—Ada and Canyon. By juxtaposing the neighboring regions, the video attempts to debunk socioeconomic and racial associations and stereotypes commonly attached to domestic violence. This artist's statement addresses the portion of the project which explores the extent to which feminist literature and analysis has been indoctrinated into the language of Idaho law and legislation. It concludes that while domestic violence law and feminist theory have the potential to connect, they often do not necessarily or adequately do so.

Introduction & Background

No matter the culture one is raised in, one's family background, or one's life experience, one will be affected by domestic violence in at least one of the following four ways in their lifetime: 1) you will witness an act of domestic violence; 2) you will know someone personally or indirectly who is a victim of domestic violence; 3) you will be the direct recipient (victim) of domestic violence; or 4) you will be the direct perpetrator of domestic violence.

Domestic violence occurs in every human culture on this planet, and the victims are most often women and children. Anyone who has been the direct recipient or the child of a direct recipient of abuse is a “victim” of domestic violence. Anyone belonging to a larger culture or societal setting that experiences domestic violence is, in my words, an “active witness” or “metaphorical victim” of domestic violence.

Domestic Violence

Defined in the Idaho Code as the “Physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member.” Outside of the language of this law, domestic violence is continually under reexamination by Idaho leaders in the judicial sectors, criminal justice wards, and by the Idaho Council on Domestic Violence and Victims Assistance. Understanding domestic violence becomes a more complex endeavor for Idaho legislators and social service providers as new developments and studies show how victims, perpetrators, their families, and the greater culture, are affected by domestic violence.

Victim

A victim is one who receives physical beatings, verbal and emotional abuse, and the loss of control over their personal autonomy, the ability to govern their own decisions, relationships and finances. The victim is overpowered by another, manipulated and coerced. A victim feels guilty and deserving of blame for the pain they suffer. A victim's self-esteem is destroyed by the trick that is played on them. The trick is most often the disguise worn by their abuser- a disguise that looks like someone they love, and trust, but someone who keeps hurting them. The pain is domestic and private. The violence is hidden under

clothing and hair. The mental anguish retreats, far too embarrassed to reveal itself, its shortcomings, and its grief. It coughs its frustration into pillows, weeps behind steering wheels, is short-fused at its children, numbs under drink.

Active witness

The witness lives in a community that sighs at the news of a death inflicted by jealous bullets. The witness who is afraid to take the victim's life as a sign of a growing problem cracks a joke. The witness filled with concern shudders in disbelief, laments with co-workers, and writes an angry letter. The witness who is paralyzed by the futility of understanding humankind pretends not to notice the shouting coming from next door. Pretends that this is the way it's supposed to be. The witness remaining anonymous, and out of harm's way, calls the police. The witness feels secure knowing that at least this is not happening to them. The witness wants to intervene. The witness understands that it's none of their business. The witness belongs to a culture that experiences violence. The witness learns to give power to violence. The witness fears violence. The witness perpetuates violence by giving privilege to violence.

Hurt, Perfectly is a documentary video providing an historical and feminist analysis of domestic violence in the state of Idaho. Feminist theory and literature has contributed greatly to our cultural consciousness about domestic violence. However, Idaho domestic violence laws are not doctrinally reflective of observations made by feminist writers about the nature of violence against women, intimate partner abuse, and gender stratification, for example. By tracing the development of domestic violence laws in Idaho, *Hurt, Perfectly* examines the way domestic violence has been defined and expanded over the last 23 years, since 1982. By looking at the involvement feminist writers have had in shaping our knowledge and understanding about humans and violence, this video establishes an argument of how domestic violence law and feminist theory have the potential to connect, but don't necessarily at all times.

Angie Leon Castellanoz

To represent how Idaho's treatment of domestic violence operates in Ada and Canyon counties, the video introduces the murder of Maria Evangelina "Angie" Leon (Castellanoz). While the laws were written to protect her, the execution of those laws, as well as other social factors contributed to her continued exposure to Abel Leon Jr., her husband, and eventually, her murderer.

Angie Leon was a 21-year-old mother of three children (A.J., Alejandra, and Bianca) living in Nampa, Idaho when she was shot to death by her estranged husband Abel Leon, Jr. Over the course of their five-year marriage, Abel Leon Jr. violated over half of all restraining orders that were filed against him by Angie. After being released in April 2003 on a pre-trial release of one month, a Canyon County judge served Abel a final No-Contact order due to his prior history of violence. Unfortunately, when signing the order, Abel obtained Angie's new address which state law required to be indicated on the form. On the morning of May 19, 2003, Abel arrived at Angie's residence with a handgun. Shortly after, Angie's mother, Sylvia Flores, arrived to take Angie to work and the kids to their daycare. When Angie answered the door, Sylvia saw that Abel was in the house and took the kids to the car. When Angie attempted to follow them to the car, Abel seized Angie and dragged her back into the house at gunpoint. Sylvia stayed in the car with Angie and Abel's three kids as they screamed in fear. As Sylvia was attempting to dial the police on her cell phone, she and the children heard gunshots coming from the house. The kids stopped screaming and the car grew quiet as Sylvia and her grandchildren sat, waiting. When the police arrived, Angie was found on her daughter's bed with three fatal bullet wounds to her body. Abel was gone.

After so many attempts made on Angie's part to protect herself and her children from Abel, it is impossible for me not to ask why Canyon County prosecutors did not take more precaution in protecting Angie. *Hurt, Perfectly* explores the judicial, social, and criminal justice systems that were in place at the time of Angie's murder. The video provides an education about domestic violence treatment within these systems and discusses Idaho's central problems relating to the prevention and prosecution of domestic violence by providing interviews with judges, lawyers, victims, victims witness coordinators, and other social service providers of family violence.

Feminist Theory and Literature

Feminist writers have contributed enormously to our understanding and treatment of domestic violence. Domestic violence is a relatively new term used mostly in the last thirty years to describe physical and emotional abuse inflicted on one intimate partner in a domestic relationship over the other. Idaho's domestic violence prevention laws are based on needs and concerns that continue to develop. However, while Idaho has developed new strategies for protection and prosecution every year from 1988 to the present (2005), the language of the laws do not reflect developments that are broadening in the world of feminist thought. Laws are meant to reflect the society they serve to protect, a response to a social will. While there is no specific indoctrination of feminist theories within the language of Idaho law, protection from domestic violence is cited as a major need in Idaho with the recognition that domestic violence continues to grow as a social problem (Idaho Code). However, these laws do not reflect a language that indicates larger social paradigms such as race, class, and gender that play vital roles in the problems of violence in American culture and what feminist writers associate with domestic violence.

Feminist writers

Hurt, Perfectly introduces many feminist concepts into its treatment of domestic violence. Examples of some of the major theoretical threads regarding domestic violence follow.

Linda Mills questions the reasoning behind women who stay in abusive relationships by accounting for economic, religious, emotional, and cultural factors contributing to the victim's logic. Mills also explores how laws and prosecution directed at domestic violence can help and hinder victims. One system that has proved very effective in the prevention of further domestic violence in Idaho is Ada county's adoption of the Family Services Court. Family Services Court systems provide one magistrate judge to oversee all domestic violence related cases. It is the intention of this system that if a client returns repeatedly before the court and this judge, the judge is better able to make more informed and effective decisions based on the foreknowledge ascertained by previous contacts with the client.

Gloria Anzaldua writes about physical and metaphorical borderlands. Using her analysis, *Hurt, Perfectly* dissects theory regarding bodily boundaries in relation to physical abuse as well as examines immigration and difficulties associated with "crossing cultures," and applying cultural differences to the investigation of domestic violence. Abel Leon moved to the United States here at the age of 11 from Mexico. I will be using the writings of Gloria Anzaldua for her work with identity, immigration, and masculinity. In Anzaldua's descriptions of physical and metaphorical borderlands and the reconciliation of cultural differences, the video discusses the use of language used during his sentencing for the murder of his wife. Often referring to Abel Leon as a Mexican immigrant during the trial, Abel's lawyers tried to blame what he had done as a cultural difference. Also, the managed to "otherize" him by calling the crime he committed as a crime of "machismo." In doing this, Abel is not only the victim of racial stereotyping, but his violence is justified by this assumed cultural difference.

Susan Lentz points to in "Revisiting the Rule of Thumb: An Overview of the History of Wife Abuse." Looking at doctrine from feudal law from early England as well as early Christian coverture, "a wife became the 'femme covert' under the protection and cover of her husband...the husband became legally responsible for his wife's actions. She was restricted in her ability to contract, to own and manage real property and to sue or be sued" (Lentz 11). These doctrines were carried over and indoctrinated into the system of marriage and public life in America. Is it no wonder then that the perpetuation of gender stratification has continued into women's public and private lives and influenced the way the marriage dynamic is shaped? For every marriage license that is issued in the state of Idaho, \$15.00 of the fee goes toward the domestic violence victims assistance while \$32.00 from every divorce filed goes toward batterer treatment programs. Consider the irony of charging every newly wed couple a fee for the treatment for a potential victim that could possibly be the result of their union in marriage. This sends a message that the institution of marriage breeds an environment conducive to violence. It may be predicated on many patriarchal forms and customs.

Lynette Feder provides an interdisciplinary approach to domestic violence by questioning the effectiveness of batterer treatment programs and presenting a historical analysis of legalized wife abuse and its roots in patriarchy.

Luce Irigaray presents an historical analysis of language and philosophical thought as they contribute to the notion of sexual difference. By using dichotomies such as self/other, form/content, and inside/outside, Irigaray points to the “gender blindness” that can be found in Idaho laws regarding domestic violence. Also, by arguing that women can only experience love of self when they (re)take over the integrity of their own physical spaces, is to suggest that victims are capable of regaining the control they have lost in domestic violence relationships.

Judith Butler challenges the universal essentialization of “women” as a category to be defined from the same class privileges and racial backgrounds. Certainly, not all women are alike and neither is their domestic violence solution. But to approach domestic violence under the treatment of one law may not be subjectively sufficient for protecting all victims.

Michael Kimmel attributes the stratification between the overwhelming occurrence of women as victims as opposed to men as victims by highlighting the existence of gender and gender differences in every single culture. Unfortunately, “normalized” gender differences in many cultures assign different characteristics to men and women that place men and women in opposition to each other and/or place men in power over women. This perspective describes a dynamic of domestic violence among heterosexual relationships, but it does not necessarily explain the dynamic that occurs between same-sex abusive relationships.

Marilyn Frye’s essay “Oppression” is used to create a visual representation of the systemic influence domestic violence has on all aspects of a victim’s life. By presenting one problem in a victim’s life, such as the physical abuse, we are seeing through a “myopic lens.” Using the analogy of a birdcage, Frye illustrates the reason why many might see the physical abuse as one single “wire” of a larger network of problems (domestic violence), easily escapable if the bird would just fly around it. Just as we would expect the bird to fly around the wire, we question why a woman would “not just leave” her batterer. But the problem is the “cage” that involves all the other problems behind her “not just leaving,” including, but not limited to, control over her finances, alienation from her friends and family, and the threat of more dangerous violence if she does leave.

History

Domestic Violence Law prior to 1982

Prior to 1982, Idaho did not have a legal definition of domestic violence. The only way for victims to seek justice under the law for violence in the home was through loosely written crime and punishment laws such as rape laws in 1893 that defined rape as:

An act of sexual intercourse with a female not the wife of the perpetrator who is under the age of fourteen, incapable through lunacy of giving consent, her resistance is overcome by force or violence, she is prevented from resisting by threats of power of execution or threats of great bodily harm or by any intoxicating narcotic administered by the accused. Or by when she is unconscious or asleep, or under the belief that the accused is her husband and this belief is induced by artifice.

The laws defining rape remained relatively unchanged over the next 100 years, with only the age of consent changing from 18 years of age in 1895 to 16 years of age currently. In 1999 a law defining spousal rape was established that considered the offense punishable through the sections regarding rape committed through violence or threat, or by the inability to consent because of intoxication. In 1955 the first assault and battery laws were defined, which established an assault as aggravated when it is committed without justifiable or excusable cause, with or without a weapon, inflicting grievous bodily injury and/or is premeditated.

Developing definitions of domestic violence

Idaho did not introduce nor define the term “domestic violence” until 1982 with its introduction of the domestic violence council. It was not until 1988 when Idaho introduced the “Domestic Violence Crime Prevention” law that provided the vital infrastructure that currently defines how domestic violence is dealt with in the state of Idaho today. The largest part of this bill took up the task of appropriating protection

orders, one of the largest tools for preventing domestic violence from continuing. This included the hearings to officiate protection orders and provided assistance and training to law enforcement officials in the execution of protection orders.

A system of House bills regarding domestic violence arrived after 1988 and the years following saw a significant increase in the amount of legislation that continually added to and amended existing laws and policies regarding the protection and prevention of domestic violence victims in Idaho. An overview of key developments in the code follows:

- In 1992, a law making it illegal to use funds from divorces or marriage licenses for batterer treatment programs was enacted. Also, an act amending child custody actions provided the ability of the court to consider domestic violence as a factor when considering custody rights.
- In 1994, a redefinition of who may be arrested during a domestic disturbance is written to include anyone who has committed or is believed to have committed assault, battery, domestic assault or battery, stalking, or a violation of a protection order.
- 1996 laws granted the right to children to legally divorce one surviving parent who had intentionally murdered the other parent and who had no possibilities for parole,
- Domestic violence law in 1997 required a copy of all protection orders to be issued to the responding party. This way, the respondent would know the specified limitations and boundaries set forth by the order.
- In 1998 an act that doubled the penalty for those committing domestic assault and battery in the presence of a child was brought forth and defined “in the presence of a child” to include children who can hear the domestic violence act taking place.
- 1998 saw an increase of additional crimes that could be justifiable for which the court to officiate a No-Contact order. The law leaves such determinations to the discretion of the court and brought an interesting spin to the idea of appropriation in domestic violence cases. There are many non-physical aspects of violence that are not easily seen or defined by law. These issues are to be judged in the court as appropriate measures for issuing a no contact order and require the education and scope through which officials understand violence in the home.
- This same year an act passed which specified the malicious injury to personal property or property shared through marriage was punishable by a misdemeanor offense.
- In 2000, Idaho law extended 1996’s law of granting divorce rights to children whose one parent murdered the other by granting children the right to termination in situations where a parent committed felony assault or battery resulting in serious bodily injury of a sibling.
- This was also the year that the passage of Cassie’s Law granted domestic violence statutes toward minor children involved in dating relationships. This allowed the parent or guardian the right to seek petition for a protection order for the child on his/her behalf.
- The Council on Domestic Violence added a new component adding Victim Assistance to their programs to involve victims of all crimes.
- Finally, 2000 laws required any household member committing the felony of inflicting bodily injury on another household member to seek counseling or treatment according to the standards set forth by the domestic violence council.

Near the end of 2004, legislators across the country were scrambling to define what type of partnership defines a marriage. In Idaho, it remains to be defined as a union between a man and a woman, and marriage among same-sex partnerships is illegal. Unfortunately, domestic violence law in Idaho does not always protect victims in same-sex partnerships from victimization because it defines “household member” as spouses, former spouses, persons residing or had resided together (referring to common law couples), and persons who share children whether or not they had been married at one time. Because same-sex partnerships are recognized largely as roommate situations only, the domestic violence protection act does not necessarily protect these victims. The good news is, however, the language applied to relationship dynamics necessitating possible protection orders in domestic violence and stalking cases does leave room for these partnerships, although not directly addressed.

Various changes have evolved over the last 23 years in how domestic violence has historically and currently been defined and understood. Understanding domestic violence from this perspective is crucial because it involves an approach to the problem of domestic violence from an interdisciplinary perspective as well as addressing an issue that is largely experienced by women worldwide and their families without naming women as the only victims. *Hurt, Perfectly* is a tool intended to be used for the education of

Idahoans pertaining to legislative shifts currently evolving through communication of laws and community action. Ultimately, *Hurt, Perfectly* provides an opportunity inform the public of social services available to victims, the current court systems in Ada and Canyon counties, and past problems and solutions-in-progress regarding domestic violence in our state.

References

Andersen, Margaret L. and Patricia Hill Collins, comp. Race, Class, and Gender: An Anthology. Belmont: Wadsworth Publishing Company, 1988. Marilyn Frye's "Oppression" 48-52.

Anzaldúa, Gloria. Borderlands/La Frontera: The New Mestiza. San Francisco: Aunt Lute Book Company, 1987.

Feder, Lynette, ed. Women and Domestic Violence: An Interdisciplinary Approach. Binghamton: The Hawthorn Press, Inc., 1999.

Irigaray, Luce. An Ethics of Sexual Difference. Trans. Carolyn Burke and Gillian C. Gill. Ithaca: Cornell University Press, 1993.

Kimmel, Michael S. The Gendered Society. New York: Oxford University Press, 2000.

Mills, Linda G. Insult to Injury: Rethinking Our Responses to Intimate Abuse. Princeton: Princeton University Press, 2003.

State of Idaho Code of Law. Title 18-6101-10: Crimes and Punishment; Rape. Title 39-6301-17: Health and Safety; Domestic Violence Crime Prevention. 2004 edition.

Yllö, Kersti and Michele Bograd, eds. Feminist Perspectives on Wife Abuse. Newbury Park: Sage Publications, Inc., 1988. Susan Lentz "Revisiting the Rule of Thumb: An Overview of the History of Wife Abuse."